

State of  
Washington  
House of  
Representatives



July 7, 2008

Mr. Robert Maruska, Chair  
Capital Projects Advisory Review Board  
c/o Nancy Deakins, Coordinator for CPARB  
Department of General Administration  
Post Office Box 45848  
Olympia, Washington 98504

Dear Mr. Maruska:

On June 12, 2008, the University of Washington's (UW) Board of Regents approved a rule to establish procedures for using an alternative contracting method to expedite the construction/remodeling of Husky Stadium. (WAC 478-350-010 through 478-350-050, attached). We understand that this proposed alternative contracting method was not brought to the Capital Projects Advisory Review Board for review and approval.

Chapter 39.10 RCW establishes a policy for awarding public works contracts using alternative contracting methods, rather than the traditional design, bid, build method in which the contract is awarded to the responsible bidder who submits the lowest responsive bid. The legislative intent is "to authorize the use of certain supplemental alternative public works contracting procedures, to prescribe appropriate requirements to ensure that such contracting procedures serve the public interest, and to establish a process for evaluation of such contracting procedures" (RCW 39.10.010).

Originally established in 1994, Chapter 39.10 RCW was intended to allow public entities to use alternative contracting procedures under certain circumstances following processes established by law. The contracting procedures authorized by law include a design-build method, a general contractor/construction manager method, and a job order contracting method. In the enabling legislation, the University was specifically listed as a public agency authorized to use these new, alternative works contracting methods.

In 2005, the Capital Projects Advisory Review Board (CPARB) was created to evaluate public capital projects construction processes and to advise the Legislature on policies related to alternative public works delivery methods (ESHB 1830). Specifically, the Board must (1) develop and recommend criteria that may be used to determine effective and feasible use of alternative contracting procedures; (2) develop and recommend policies to enhance the quality, efficiency, and accountability of capital construction projects through

Mr. Robert Maruska  
July 7, 2008  
Page 2

the use of traditional and alternative delivery methods and make recommendations for expansion, continuation, elimination, or modification of alternative public works contracting procedures; and (3) evaluate the potential future use of other alternative contracting procedures.

Pursuant to Chapter 39.10 RCW, we are requesting that CPARB evaluate the UW's proposed alternative contracting method for the construction/remodeling of Husky Stadium, and, if it determines that the method is a feasible and effective procedure, to "prescribe appropriate requirements to ensure that such contacting procedures serve the public interest, and to establish a process for evaluation of such contracting procedures." We also request that you provide us with written comments explaining your conclusions at your earliest convenience.

Sincerely,



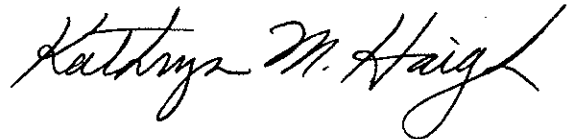
BILL FROMHOLD, Chair  
Capital Budget Committee



TIMM ORMSBY, Vice Chair  
Capital Budget Committee



SAM HUNT, Chair  
State Government & Tribal Affairs Committee



KATHY HAIGH, Chair  
Appropriations Subcommittee on Education

Enclosure